Previous references.

File No. 191-09

1909.

Serial Nos. 192

(Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 192

Part B. for April 1910.

SUBJECT.

Remission of the sentence passed on one Naga in the Sivapur Dacoity case.

Table of Contents

From the Registrar chief Court No. 3640/209 dt 22-2-1910.

Forwards the records in the ~~above case~~ criminal appeal in the above case on the file of the chief courts & states that the appeal of one Naga ~~one~~ ~~the~~ of the accused, was rejected as being ~~for~~ longout of time & that the judges consider it possible that Govt would equalise the sentences by reducing the sentence passed on the said Naga as in the case of others whose sentences have been reduced in appeal

2. To the Registrar chief Court No. 3103 dt 20-4-1910

Forwards for information & communication to the prisoner a copy of H. Highness' order approving of the recommendation of the chief court to reduce the sentence passed on him

G.R.S. 11] 1909-10

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts File No. 141 of 09.

FILE HEADING.

Remission of the Sentence passed on one Naga in the Sivapur dacoity Case.

From

The Registrar of the Chief Court of Ulysse

No. 3640/209 Dated 22-2-1910 Received 26-2-1910.

Diary No. [3172]	Enclos. ~~two files~~ Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards for orders, the records in Criminal appeals on the file of the Chief Court; states that the appeal of Naga one of the accused in the Sivapur dacoity Case was rejected by the Chief Court as being long out of time and that the Judges consider it possible that Govt would equalize the Sentences by reducing the Sentence passed on Naga as in the Case of others whose Sentences have been reduced in appeal.

NOTES AND ORDERS.

Subs for orders.

Stcs SW 28-2-1910

2. The recommendation of the Chief Court may be accepted and the Sentence reduced to 4 years' rigorous

NOTES—First sheet.

GPB—30,000—3-4-07.

V

Serial No.

imprisonment.

3 There is no reason to doubt the guilt of the accused, as he has produced identifiable stolen property and admitted his guilt before the Committee of Inquiry.

7/3/10.

Please see para 4 of Sessions Court's judgment. Exg I.

See 1. It was open to the man to have appealed to the Chief Court in time, but he failed to avail himself of the opportunity. Except his statement there is nothing to show that he was so seriously ill as not to be able to appeal.

~~This Neither the man~~

2 The merits of the case do not seem to call for the intervention of Govt. ~~or~~ ~~to what extent such intervention is~~

7/3/10

3 The guilt of this man is in no way worse than that of the others whose sentences have been reduced by the Chief Court. I think that the sentence may be reduced in his case also to four years as recommended by the Chief Court.

7/3/10

3.0.40.

2nd Cl.

5002
14.2.10

Drawn 11/3/10

The recommendation

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

of the Chief Court may be accepted Though for my part I think the reduction of sentences already effected by them in appeal was needlessly lenient —
To Mr Moulton Thorne

CSB
28/3/10

I concur —
The sentence may be reduced to 7 years as was done in the case of the other accused persons by the Chief Court

RWR
24/3/10

1515
24.3.10

I Concur

5203
28.3.10

CSB
26/3/10

SD
28/3/10

Submitted to His Highness.

The Chief Court have sent up for the orders of Government the records in Criminal Appeal Case No. 86 of 1909-10, on the file of their Court.

2. The facts of the case briefly are:-

1. Hanumantha Rao.
2. Thimma.
3. Naga.
4. Gopya.
5. Narasimha Char;
6. Govindasami Rao.
7. Hobya.

Hanumantha Rao and six other persons noted in the margin, were charged with having committed the Dacoity in the Sivapur Railway Station on the night of the 26th March 1909, and were tried by the Sessions Judge of Shimoga under Section 395, Indian Penal Code. The fifth accused was found not guilty and the others were convicted and sentenced to undergo various terms of imprisonment as below:-

First and sixth 10′ years imprisonment.
Second, third and fourth 8′ years imprisonment.
Seventh 5′ years imprisonment.

Against this conviction, all the convicted persons except No.3, Naga, appealed to the Chief Court. The Chief Court saw no reason to doubt the propriety of the finding, but reduced the sentences in the case of the first and sixth accused from 10 to 6 years, of the second and fourth from 8 to 4 years and of the seventh from 5 to 2 years.

Shortly after this, the third accused, Naga, also preferred an appeal to the Chief Court alleging that he had been ill and could not file the appeal earlier. The appeal was however dismissed.

13 3. The Chief Court have now forwarded the records for the orders of Government, and state that had Naga (third accused in the case) appealed in time his sentence of 8 years would in all probability have been reduced to four years and that the Judges consider that it is possible that the Government may think fit under the circumstances to equalize the sentences.

14 4. Both the Councillors are in favour of the sentence in the case of Naga (the third accused) being reduced as in the case of the other accused persons to one of 4 years' rigorous imprisonment. The recommendation of the Chief Court may be accepted, though for my part I think the reduction of sentences already effected by them in appeal was needlessly lenient.

7 April

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

1037
9.4.10

Remission of the sentence of conviction passed on one Naga in the Sivapur Dacoity case.

739

Order.

Approved
KRW
11/4/10

Issue orders accordingly
12/4/10

12/4/10

12/4/10

12/4/10

G. R. S. 12]
General and Revenue Secretariat.

Cto File No. 191 of 1907-09.

Serial No.	
1	Submitted with two drafts. KCB SN 13.4.1910. 13/4 SD 13/4.
	55 & 4 16.4.10 Secy 1 & Dewan SN 14/4/10 (A spare form is put up) Signature taken and sealed 15/4/10. (with fair copy) Issue SN 9/4/10 SD 19/4/10. B Rec 28/4/10
2	To the Registrar, Chief Court. 1931032 2nd 4/10 Forwards for information & Communication to the prisoner, a Copy of His Highness' order approving of the recommendation of the Chief Court to reduce the sentences passed on him.

NOTE—Contn. sheet.

BPG—55,000—27-4-09

No: 3640 Gen: Records. G 2172
209

Chief Court of Mysore,
Bangalore, 22nd February 1910.
24th "

From
V. A. Rajaratna Mudaliar, Esqr.
Registrar, Chief Court of Mysore.

To
C. S. Balasundaram Iyer, Esqr.
Offg. Secretary to Government,
Genl. & Revenue Departments.

Sir,

I am directed by the Judges to submit for the orders of Government the record in criminal appeal no. 86 of 1909-10 on the file of the Chief Court. The appellant (Rafa) was convicted by the Sessions Judge of Shimoga along with five others of the offence of dacoity and sentenced to undergo rigorous imprisonment for eight years.

The appeals of all the accused except Rafa were disposed of on the 21st January last. The fact that the sentences were considerately reduced has no doubt influenced Rafa in preferring a belated appeal which has been dismissed (on the 21st instant) as long out of time. Had he appealed in time his sentence of eight years would in all probability have been reduced to four years. The Judges consider that

if

it is possible that the Government may think fit under these circumstances to equalize the sentences.

The records of criminal appeals Nos. 26, 28, 31, 32 & 33 of 1909-10 are also sent for reference.

I have the honor to be,

Sir,

Your most obedient Servant,

Registrar.

No. J 3103 [illegible] 1 & 2 files

MYSORE GOVT. GEN. & REV. SECRETARIAT.

Dated Bangalore...20/4/....1910

C. File No 191-03
Sl No 2

From

The Secretary to the Government of H. H. the Maharaja of Mysore.

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Naga 3rd accused in Kadur Sessions Case No 1 of 1909 now undergoing sentence of imprisonment in the Bangalore Central Jail, copy of order passed by H. H. the Maharaja of Mysore, ~~on the prisoner's memorial~~ approving of the recommendation of the Chief Court for a reduction of the sentence passed on the prisoner.

2. The entire records received with your letter No. 3640. — 209 dated 22 — 2 — 1910 are herewith returned.

I have the honor to be,

SIR,

Your most obedient servant,

For Secretary.

SN. 13/4

6d SN 13/4

(1

In the Matter of a Memorial

Recommendation from the Chief Court for the reduction of the sentence of eight years' rigorous imprisonment passed on one Naga, 3rd accused in Kaderi Sessions Case No 1 of 1909-10, to one of four years' rigorous imprisonment.

His Highness the Maharaja

has been pleased to pass the following

Order.

"Approved"

Dated 11.4.1910

Dewan of Ally Sirc

CSR

Draft

HCS

13.4.1910

GPB—300- 15-12-08